

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**LAURA AVEY, surviving spouse
of Steven Avey,**

Plaintiff,

vs.

**NAVISTAR, INC.; and BLUE TEE
CORPORATION d/b/a GEFCO,**

Defendants.

Case No. CIV-12-1211-R

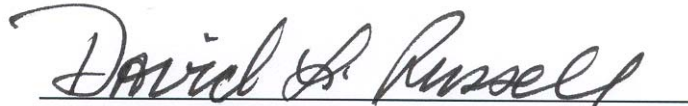
ORDER

Before the Court is Plaintiff Laura Avey's Motion to Compel. Doc. No. 57. Also before the Court is Defendant Navistar's Motion for Protective Order, Defendant Navistar's Motion to Strike Plaintiff's Motion to Compel and Supplemental Brief in support of its Motion to Compel, and Plaintiff's Motion for Leave to File a Supplemental Brief in support of Plaintiff's Motion to Compel. Docs. No. 64, 74, 77. In accordance with the hearing held on October 23, 2013, Plaintiff's Motion to Compel is GRANTED, subject to certain restrictions. Moreover, Defendant's Motion for Protective Order is DENIED. Defendant's Motion to Strike is GRANTED as it relates to Plaintiff's Supplemental Brief and DENIED as it relates to Plaintiff's Motion to Compel. Finally, Plaintiff's Motion for Leave to File a Supplemental Brief is hereby GRANTED.

As stated in the hearing held on October 23, 2013, the Court finds Defendant's CAD files and finite element analysis to be very relevant to Plaintiff's case. Despite this, the Court is sensitive to Defendant's concerns regarding the proprietary nature of the

CAD files and finite element analysis. Therefore, Plaintiff's Motion to Compel is granted, subject to certain restrictions—namely, that while Plaintiff's expert may utilize the materials on Defendant's premises, nothing can be taken off of Defendant's premises following Plaintiff's expert's use of the materials besides notes. The parties are urged to reach an agreement concerning Plaintiff's ability to also take the output files off of Defendant's premises after Plaintiff uses the materials. If the parties cannot agree on a way for Plaintiff to be able to take these output files, the parties are to notify the Court so that the matter can be resolved.

IT IS SO ORDERED this 23rd day of October, 2013.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE